THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13674 OF 2006

ORAL ORDER:

This Writ Petition is filed aggrieved by the order passed by the 1st respondent dated 19.5.2006 under Section 14-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act"), levying a sum of Rs.5,84,415/- as damages for the period from March, 1998 to September, 2005. The petitioner was also informed that he is liable to pay a sum of Rs.2,12,642/- towards interest under Section 7Q of the Act.

Though the petitioner raised various contentions, the learned counsel appearing for the respondent, at the outset, raised an objection as to the maintainability of the writ petition on the ground that an alternative remedy of appeal is available against the order impugned under the Act.

Since, admittedly, an efficacious remedy of appeal is available under Section 7-I of the Act, against the order impugned, I am of the opinion that the petitioner cannot maintain this writ petition without exhausting the said alternative remedy.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to prefer an appeal against the order impugned, and if any such appeal is preferred within a period of four weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law. Pending such appeal, there shall be stay of further proceedings in furtherance of the impugned order, subject to the condition that the petitioner deposits 50% of the amount demanded under the impugned order within a period of six weeks from today. No costs.

7th July, 2006. **(G. ROHINI, J.)**

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13674 OF 2006

7th July, 2006.

Between:

M/s Doctors' Organics Chemicals Limited,
K. Illindalepuram, West Godavari District,
represented by its Managing Director –
Sri Y. T. Raja. .. Petitioner.

And

Regional Provident Fund Commissioner-II,
Sub-Regional Office, Rajahmundry,
East Godavari District. .. Respondent.

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